

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT NAGPUR, NAGPUR.

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**WRIT PETITION NO. 3699/2018**

\* Madhavrao s/o Matotrao Raut  
Aged: 58 years, occu: Retired Civil  
Engineering Assistant  
R/o Plot No.165, Near Corporation Zone  
Office, Nehrunagar, P.O. Hanumannagar  
Nagpur -440 009. **..PETITIONER**

**v e r s u s**

- 1) The Zilla Parishad, Nagpur  
Through : the Chief Executive Officer  
Zilla Parishad, Nagpur.
- 2) The Executive Engineer,  
Works Department  
Zilla Parishad, Nagpur.
- 3) Block Development Officer,  
Panchayat Samiti, Nagpur.
- 4) The Secretary  
Government of Maharashtra  
Rural Development Department  
24, Marzban path, Fort, Mumbai-400 001. **.. RESPONDENTS**

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Mr D.P. Shouche, Advocate for petitioner  
Mr. I.S. Charlewar, Advocate for respondents 1 and 2  
Respondent nos. 3 and 4 are served  
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**CORAM:** SUNIL B. SHUKRE &  
ANIL L. PANSARE, JJ  
**DATED** : 9<sup>th</sup> December, 2021.

**ORAL JUDGMENT:** (PER SUNIL B.SHUKRE, J.)

1. **Rule.** Rule made returnable forthwith. Heard finally with consent of respective parties.
3. It is not in dispute that the petitioner, a retired employee of Zilla Parishad, Nagpur, got his pension finally fixed at Rs. 10,620/- as per the final pension order dated 25.07.2017. It is also not in dispute that the final pension order was revised by respondent no.1 by another order dated 19.05.2018 and, such a revision was to the disadvantage of the petitioner. As a result of the same, the pension of the petitioner fixed at Rs.10,620/- has been reduced to Rs.7,970/- per month.
4. Revision of the pension finally fixed to the disadvantage of the retired employee is permissible only in case there is a clerical error in the final assessment of the pension done earlier. It is provided in Rule 131(1) of the Maharashtra Civil Services (Pension) Rules 1982 that subject to the provisions of Rules 26 and 27, pension once authorized after final assessment shall not be revised to the disadvantage of the Government servant, unless such revision becomes necessary on account of detection of a clerical error subsequently. It is nobody's case that the pension was revised subsequently on account of detection of clerical error. Therefore we find that the impugned order is contrary to what is provided under Rule 131(1) of the MCS Rules, 1982 and, therefore, is bad in law.

5. In the result, the petition is allowed. The impugned order is hereby quashed and set aside. It is directed that the petitioner shall be paid pension as per the final assessment of his pension made vide order dated 25.07.2017. It is further directed that if any recovery has been effected from the petitioner, the same shall be refunded to him in two equal installments, in next two months.

6. Rule is made absolute in the above terms. No costs.

sahare

**JUDGE**

**JUDGE**